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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,240

09/17/2003

John W. Northcutt

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EXAMINER

TRINH, TAN H

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,240

Applicant(s)

NORTHCUTT, JOHN W.

Examiner

TAN TRINH

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. Regarding claim 6 and 14, are rejected under 35 USC 101. In view of the Interim Guidelines and the fact that this claim lacks language similar to the “A computer program product” the language recommended by new Guidelines, in order to provide a clear and completed prosecution history this claim, Therefore the claim 6 and 14 are rejected under 35 USC 101.

The claims 6 and 14, claimed invention is directed to non-statutory subject matter. “A computer program product for sending and receiving the message for contact information from first mobile phone to a second mobile phone comprising: computer program code for receiving message, and program code for determining whereto receiving a message” is non-statutory, since it is not **tangibly embodied** in a manner so as to be executable as the only hardware is in an intended use statement.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Mock (U.S. Pub. 2004/0128151).

Regarding claims 1 and 6, Mock teaches a method of sending a mobile phone contact list from a first mobile phone (120) using a mobile phone messaging service (MMS or SMS, page 2, section [0024]) to one or more other mobile phones (145 or 165 and 170) (see figs. 1-2) comprising: displaying (230) the mobile phone contact list (fig. 2-8) of the first mobile phone (120), contact list (see fig. 2-8), selecting one or more contacts from the mobile phone contact

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list (see page 2, section [0028]), adding the selected contacts from the mobile phone contact list to a message (see page 4, section [0039]) and sending the message containing selected contacts to the one or more other mobile phones (see page 4, sections [0041-0044]). In this case, the received the selected contacts update contact send from the sender and also send the update or acknowledge message back to sender.

Regarding claims 11 and 14, Mock teaches a method of receiving mobile phone contact list data in a first mobile phone (120) sent from a second mobile phone (145 or 165 and 170) using a mobile phone messaging service (see figs. 1-2, page 4, sections [0041-0044]) comprising: receiving a message in the first mobile phone from the second mobile phone (see page 4, sections [0040-0044]); determining whether the received message contains contact list data (see page 4, section [0041-0042]) and, if so launching a application specific software program to manage the received contact list data (see page 3, sections [0033-0035]), otherwise handling the received message normally (see page 3, sections [0035-0036]), displaying the received mobile phone contact list (see page 4, sections [0040-0044]), resolving contact list data conflicts between the received contact list data and contact data already stored on the first mobile phone (pages 4-5, sections [0042-00460]). Since user review the contact information may realize that the personal information of the contact 500 has changed enough that the recipient no longer wishes to keep the contact information. In this case the update contact information may be rejected, that is read on the resolving contact list data conflicts between the received contact list data in the claim invention.

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Regarding claims 2, 7, 12 and 15, Mock teaches the mobile phone messaging service uses a short messaging service (SMS) format (see SMS on page 4, section [0039]).

Regarding claims 3, 8, 13 and 16, Mock teaches the mobile phone messaging service uses a multi-media messaging service (MMS) format (see page 4, section [0039-0040]). In this case, the broadcast information in the current context involves sending e-mail, instant message and short message service (SMS) are service by the multi-media messaging service (MMS) format.

Regarding claims 4 and 9, Mock teaches previewing the message prior to sending the message so that additional contacts can be added to the message and selected contacts can be deleted (see page 4, section [0042-0043]). In this case the viewing contact information may be rejected or keep or remove and deleted in the view of sender, that is read on the limitation of the claim.

Regarding claims 5 and 10, Mock teaches displaying the contact data for a selected contact prior to adding the contact to the message (see page 2, section [0028] and page 4, section [0039]).

Response to Arguments

4. Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
May 4, 2007

PATENT EXAMINER
TRINH, TAN

A handwritten signature in black ink, appearing to read 'Trinh Tan', written over the printed name.